

### REMARKS

There are now pending in this application claims 21-28, of which claim 21 is the sole independent claim. Claims 1-20 have been cancelled without prejudice or waiver of their subject matter. Claims 21-28 are newly added.

Accompanying this amendment are replacement sheets for Figures 1, 5, 8, 10, 11, and 12. These replacement sheets label Figures 11 and 12 as prior art and address various informalities cited by the Examiner in the outstanding Official Action, and required to be corrected. To the extent possible, Applicants have addressed the informalities cited in the drawings by amending reference numerals in the corresponding description in the specification. Given the amendments to the specification and the submission of replacement drawings, Applicants respectfully submit that each of the informalities cited and which form the basis of the objections to the drawings have been addressed. Withdrawal of those objections is now respectfully sought.

Applicants have also amended the specification to address those informalities cited by the Examiner. Withdrawal of the objection to the specification are now respectfully sought.

Independent claim 1 was rejected as being anticipated by either Sakakibara et al. (U.S. Patent Publication No. 2002/0061200) or Toyomura (JP 5-88582). Independent claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over either of the above two references and further in view of Suzuki et al. (U.S. Patent No. 6,263,172). The rejections are respectfully traversed.

Applicants, as noted above, have cancelled the pending claims and presented new independent claim 21. In drafting claim 21, Applicants submit they have more clearly recited the invention and done so in a manner making more evident its distinction over the applied art.

Claim 21 is directed to an image forming apparatus which comprises image forming means together with a fixing rotary member and pressure rotary member which form a nip to fix the toner image formed on the recording material by the image forming means, and also provides the heating means for heating the fixing rotary member. The invention incorporates means for performing a warming-up operation for increasing a temperature of the fixing rotary member to a predetermined temperature and means for, subsequent to that warming up operation, for performing a heat accumulation operation for accumulating heat to the fixing rotary member and pressure rotary member by rotating the fixing rotary member and pressure rotary member. Changing means are provided for changing the duration of the accumulation operation in accordance with the duration of the warming up operation.

Accordingly, as now recited in independent claim 21, Applicants' invention calls for a changing means for changing a duration of the accumulation operation in accordance with the duration of the warming up operation. At least this feature is understood not to be disclosed in the applied art. Thus, the Examiner refers to paragraphs 100-102 of Sakakibara et al. However, in those paragraphs power supply is controlled so that the temperature is changed to a target control temperature which is required to fix the toner and Applicants do not understand there to be a change in duration of the accumulation operation in accordance with the duration of a warming up operation.

Toyomura also fails to teach or suggest Applicants' changing means as recited in claim 21.

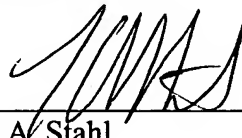
For the foregoing reasons, Applicants respectfully submit that claim 21 is patentable over the applied art of record.

Claims 22-28 are dependent claims which depend either directly or indirectly from claim 21 and are therefore patentable over the art of record for reasons noted above with respect to claim 21. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in this application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



\_\_\_\_\_  
Lawrence A. Stahl  
Attorney for Applicants  
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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